

**RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY
RE: FINAL DESIGNATION OF DEVELOPER
APPROVAL OF FINAL WORKING DRAWINGS AND SPECIFICATIONS
AND PROPOSED DISPOSITION PARCEL 41E
IN THE SOUTH END URBAN RENEWAL AREA
PROJECT NO. MASS. R-56**

WHEREAS, the Boston Redevelopment Authority (hereinafter referred to as the "Authority"), has entered into a contract for loan and capital grant with the Federal Government under Title I of the Housing Act of 1949, as amended, which contract provides for financial assistance in the hereinafter identified project; and

WHEREAS, the Urban Renewal Plan for the South End Urban Renewal Area, Project No. Mass. R-56 (hereinafter referred to as the "Project Area"), has been duly reviewed and approved in full compliance with local, state and federal law; and

WHEREAS, the Authority is cognizant of the conditions that are imposed in the undertaking and carrying out of urban renewal projects with federal financial assistance under said Title I, including those prohibiting discrimination because of race, color, sex, religion, or national origin; and

WHEREAS, Patrick Cibotti d/b/a Boston Body Works, Inc., tentative designation as redeveloper of Parcel 41E, on May 21, 1987; and

WHEREAS, Patrick Cibotti d/b/a/ Boston Body Works, Inc. submitted a satisfactory proposal for the development of Disposition Parcel 41E in the South End Urban Renewal Area; and

WHEREAS, the Authority is cognizant of Chapter 30, Sections 61 through 62H of the Massachusetts General Laws, as amended, with respect to minimizing and preventing damage to the environment:

NOW, THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

1. That Patrick Cibotti d/b/a/ Boston Body Works, Inc. be, and hereby is, granted final designation as Redeveloper of Parcel 41E in the South End Urban Renewal Area.
2. That it is hereby determined that Patrick Cibotti possess the qualifications and financial resources necessary to acquire and develop the land in accordance with the Urban Renewal Plan and the Project Area.
3. That disposal of said parcel by negotiation is the appropriate method of making the land available for redevelopment.
4. That the Final Working Drawings and Specifications submitted by Patrick Cibotti d/b/a/ Boston Body Works, Inc. for the development of Parcel 41E

5. That it is hereby found and determined that the proposed development will not result in significant damage to the environment and further, that all practicable feasible means and measures have been taken to avoid or minimize damage to the environment.

6. That the Director is hereby authorized, for and in behalf of the Boston Redevelopment Authority, to execute and deliver a Land Disposition Agreement and Deed conveying Parcel 41E to Patrick Cibotti d/b/a/ Boston Body Works, Inc., said documents to be in the Authority's usual form.

7. That the Secretary is hereby authorized and directed to publish notice of the proposed disposal transaction in accordance with Section 105(E) of the Housing Act of 1949, as amended, including information with respect to the "Redevelopers Statement for Public Disclosure" (Federal Form H-6004).



ACCOUNT NUMBER: 5697-5600

CORPORATE CASH MANAGER STATEMENT

BOSTON BODYWORKS INC

STATEMENT PERIOD

JUL 29, 1988 THROUGH AUG 31, 1988

TAX I. D. NUMBER: 64-1803000

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POSTING DATE	TRANSACTION	DESCRIPTION	AND	AMOUNT	CHECKING BALANCE	INVESTMENT BALANCE
AUG 29	CHECKS PAID	351.31	287.68	274.66		
		692.50	510.46	362.20		
			1,500.00	763.54	63,472.59	
AUG 29	CHECKING DEPOSIT			2,053.80	65,526.39	
AUG 30	CHECKS PAID	31.56	25.00	24.95		
		227.50	151.38	120.00		
		326.55	305.72	300.00		
			915.35	650.00	62,448.38	
AUG 31	CHECKS PAID	50.00	50.00	27.52		
		390.00	117.39	100.00		
			771.00	390.00	60,552.47	
AUG 31	CHECKING DEPOSIT			10,078.48	70,630.95	
AUG 31	ENDING BALANCES				\$70,630.95	\$.00

****Yellow highlight indicates balance as of August 31, 1988.****

ACTIVITY: CHECKS 232 DEPOSITS 15 DEPOSITED ITEMS 107 PAPERLESS(%) 28				
BEGINNING BALANCE	AMT OF DEBITS	AMT OF CREDITS	SERVICE CHARGE	ENDING BALANCE
CK 83,113.25	125,354.94	112,872.64	.00	70,630.95
SV .00	.00	.00	.00	.00

GRANT OF EASEMENT

This Grant of Easement, made this _____ day of _____, 1988, by BOSTON BODY WORKS, INC., a Massachusetts corporation having its principal place of business at 839 Albany Street, Boston, Massachusetts 02119 (referred to hereinafter as "Grantor") to THE STRIDE RITE CORPORATION, a Massachusetts corporation with its principal place of business at Five Cambridge Center, Cambridge, Massachusetts 02142 (referred to hereinafter as "Grantee").

PRELIMINARY RECITALS

1. Reference is hereby made to a certain plan prepared for the Boston Redevelopment Authority (the "BRA") by CE Maguire, Inc., Waltham, Massachusetts, entitled "South End Urban Renewal Area Project Mass R-56 Boston-Suffolk County-Massachusetts Delivery Parcel Plan Parcels 41D and 41E" (the "Plan"), dated April 1988 and revised _____, 1988. The Plan has been recorded this date with the Suffolk County Registry of Deeds. Immediately prior hereto, the BRA has conveyed to Grantor Parcel 41E as shown on the Plan, and has conveyed to Grantee Parcel 41D as shown on said Plan.
2. As part of the agreement between Grantor and Grantee pursuant to which the parties agreed upon the location of the common boundary line which lies to the southeast of Parcel 41D and to the northwest of Parcel 41E (the "Boundary Line"), Grantor has agreed to grant to Grantee, as holder of the fee interest in and to Parcel 41D and as appurtenant thereto, the rights and easements as are hereinafter set forth.

NOW THEREFORE

In consideration of One Dollar (\$1.00) in hand paid and for other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby agrees to erect and maintain on Parcel 41E for the benefit of Parcel 41D, a retaining wall contiguous to the entire length of the Boundary Line. Said retaining wall shall be approximately thirty-six inches (36") in height and shall be designed to serve as a bumper in order to protect property on Parcel 41E from damage resulting from the use of Parcel 41D as a truck staging area. Grantor shall maintain such retaining wall in a sound condition, and shall repair the same as from time to time may be necessary in order that it continues to be fit for its designated purpose as aforesaid.

In the event Grantor shall fail to so erect and thereafter maintain and repair the said retaining wall, then, to the extent permitted by law, Grantor shall indemnify and hold Grantee harmless from and against all loss, cost, damage or expense (including

reasonable attorneys' fees) which is caused by (or is alleged to have been caused by) trucks using Parcel 41D as a staging area, except and to the extent any such loss, cost, damage or expense results from the willful act of Grantor or those claiming under Grantor.

The rights and easements herein conveyed are granted with Quitclaim Covenants.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal this _____ day of _____, 1988.

BOSTON BODY WORKS, INC.

By: _____
Patrick Cibotti, its
President hereunto
duly authorized

Attest: _____
Clerk

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss. _____, 1988

Then personally appeared the above-named Patrick Cibotti, President as aforesaid, and acknowledged the foregoing to be his free act and deed and the free act and deed of Boston Body Works, Inc., before me.

Notary Public

My Commission Expires: _____

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MEMORANDUM

OCTOBER 26, 1988

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: ANTHONY WILLIAMS, ASSISTANT DIRECTOR FOR
NEIGHBORHOOD HOUSING AND DEVELOPMENT
MARIA FARIA, SENIOR PROJECT MANAGER

SUBJECT: SOUTH END URBAN RENEWAL AREA, PROJECT NO. MASS. R-56
FINAL DESIGNATION OF REDEVELOPER OF RE-USE PARCEL 41E,
LOCATED AT THE REAR OF 839 ALBANY STREET.

SUMMARY: This memorandum requests that the Authority grant final designation to Patrick Cibotti d/b/a Boston Body Works, Inc. of 839 Albany Street as redeveloper of Parcel 41E for the purpose of developing this parcel into off-street parking for his employees and patrons.

On May 21, 1987, Patrick Cibotti d/b/a Boston Body Works, Inc. of 839 Albany Street was tentatively designated as redeveloper of re-use Parcel 41E in the South End Urban Renewal Area, Project No. Mass. R-56 which is next to his automobile body repair business.

At the time of the tentative designation, Parcel 41E contained 4,316 square feet of vacant land located to the rear of Mr. Cibotti's property. In preparing a development plan for the site, it was found that an additional 1309 square feet would better accommodate the demand for workers and patrons parking. Mr. Cibotti, therefore, requested an increase in the size of Parcel 41E to 5,625 by reducing Parcel 41D by a similar amount. The Stride Rite Corporation, which is the designated redeveloper of Parcel 41D has agreed to this proposal. The next item on the Board's agenda today request the reconfiguration of Parcels 41D and 41E to accommodate this proposal.

The development plans for Parcel 41E include paving, fencing, lighting and landscaping. Also Mr. Cibotti has agreed to erect and maintain on Parcel 41E a retaining wall contiguous to the entire length of the boundary line which lies to the southeast by Parcel 41D and to the northwest of Parcel 41E.

The total development cost has been estimated at \$54,375. Mr. Cibotti intends to finance the total project from his account.

Mr. Cibotti has retained John Delencia and Sons of Hyde Park as the contractor to improve the site. In compliance with all aspects and specifications of the Urban Renewal Plan, Mr. Cibotti has submitted final working plans which have been reviewed and approved by the Authority's Urban Design and Development Department. Finally, the United Neighbors of Lower Roxbury supports Mr. Cibotti's planned improvements to the site.

It is, therefore, recommended that Mr. Patrick Cibotti d/b/a Boston Body Works, Inc. of 839 Albany Street be granted final designation as redeveloper of Parcel 41E, located at the rear of 839 Albany Street for the purpose of developing the site into off-street parking.

An appropriate Resolution is attached.

MF/cah/9/28